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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

THOMAS HEATON SPITTERS,
Plaintiff,
v.
GARY LOEBNER,
Defendant.

Case No. 18-cv-02759-BLF

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
EXTENSION OF TIME**

Plaintiff Thomas Heaton Spitters (“Plaintiff”) presently moves for an extension of time to oppose Magistrate Judge Cousins’ Report and Recommendation to Dismiss Case Without Prejudice (ECF 14), issued on August 7, 2018. *See* ECF 16. Plaintiff’s response was due on August 21, 2018. He moves for a new deadline of December 5, 2018, stating that he will not be able to respond before this date, but providing no other justification for the requested delay. The Court finds good cause to grant Plaintiff an extension of five days plus three additional days to account for service by mail, but does not find good cause to extend the deadline until December 5, 2018. *See* Fed. R. Civ. P. 6(b)(1). Plaintiff’s new deadline to oppose the Report and Recommendation is **August 30, 2018**. Plaintiff’s motion is therefore GRANTED IN PART AND DENIED IN PART.

IT IS SO ORDERED.

Dated: August 22, 2018

Beth Edem Neiman

BETH LABSON FREEMAN
United States District Judge